

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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J. BARROWS, INC.,

Plaintiff,

-against-

JOSEPH UVINO, WENDY UVINO,
WOOD & COLORS, INC. and
POOLS BY PAUL GUILLO, INC.,

Defendants.

JOHN BARROWS, VALDESPINO CUSTOM
BUILDERS, INC., J.L. MASONRY & CONSTRUCTION,
INC., F. SCHNEIDER CONTRACTING CORP., and
HAMPTON CONTRACTING, INC.,

Additional Defendants
On the Counterclaims,

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JOSEPH UVINO, WENDY UVINO, WOOD &
COLORS, INC. and POOLS BY PAUL GUILLO, INC.,

**DECLARATION IN
OPPOSITION TO THE
UVINOS' MOTION FOR A
NEW TRIAL**

09-CV-03905
(LDW) (ETB)

Third-Party Plaintiffs,

ECF CASE

-against-

JOHN BARROWS, VALDESPINO CUSTOM
BUILDERS, INC., J.L. MASONRY & CONSTRUCTION,
INC., F. SCHNEIDER CONTRACTING CORP., and
HAMPTON CONTRACTING, INC.,

Third Party Defendants.

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JOSEPH UVINO and WENDY UVINO,
Third-Party Plaintiffs,

-against-

KAehler Moore Architects,

Third Party Defendants.

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KEVIN F. MAHON, an attorney duly admitted to practice in the

State of New York, and before this Court, declares under penalty of perjury and pursuant to 28 USC Section 1746 that the following statements are true:

1. I am a partner with the law firm of Morris Duffy Alonso & Faley, attorneys for the Counterclaim Defendant/Third-party defendant HAMPTON CONTRACTING, INC. (hereinafter "HAMPTON"), and, as such, I am fully familiar with the facts and circumstances of this matter based upon a review of the file maintained in your declarant's office. I submit this declaration in opposition to the Uvinos' motion seeking a new trial as against HAMPTON CONTRACTING.

2. Annexed as Exhibit "A" is a copy of the Owner-Trade Contract between Hampton and the Uvinos.

3. Annexed as Exhibit "B" is a copy of the expert report of William Waldron.

4. Defendant respectfully refers the Court to its Memorandum of Law in Opposition to the Uvinos' Motion for a New Trial.

Dated: New York, New York
May 4, 2012

Respectfully submitted,
MORRIS DUFFY ALONSO & FALEY

By: /s/ Kevin F. Mahon
KEVIN F. MAHON
Attorneys for Defendant on the
Counterclaim/Third-Party Defendant
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